

AMENDED IN ASSEMBLY AUGUST 21, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Constitutional Amendment

No. 12

Introduced by Assembly Member Gatto

December 9, 2010

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of, and by adding Section 8.5 to, Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL’S DIGEST

ACA 12, as amended, Gatto. Statewide initiative measures: legislative amendment.

Existing provisions of the California Constitution provide that the initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject those proposals. Those provisions require the Secretary of State to submit ~~the~~ *a certified initiative* measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may also call a special statewide election on the measure.

This measure *would increase that minimum time period for the submission of a certified initiative measure to at least 176 days after it qualifies and* would require the Secretary of State to transmit a copy of ~~an a certified~~ initiative measure ~~certified for the ballot~~ to each house of the Legislature no later than 176 days prior to the election at which the measure is to be voted upon. Within 30 days, the Legislature may propose an amended form of the initiative measure by adopting a concurrent resolution. If the Legislature proposes an amended form of

the initiative measure, the measure would provide that if the proponent, or a majority of the proponents if there is more than one proponent, of the initiative measure accepts the proposed amendments, the Legislature's proposal would ~~appear~~ *be placed* on the ballot in place of the certified initiative measure. The measure would ~~require that~~ *provide*, if the amended form proposed by the Legislature is not accepted, ~~information regarding the proposed amended form be included in the ballot materials relating to the initiative measure, as prescribed by statute~~ *that this substitution not be made and would require that the certified initiative measure be placed on the ballot.*

The measure would make conforming election changes.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That Section 8 of Article II thereof is amended to read:

8 SEC. 8. (a) The initiative is the power of the electors to
9 propose statutes and amendments to the Constitution and to adopt
10 or reject them.

11 (b) An initiative measure may be proposed by presenting to the
12 Secretary of State a petition that sets forth the text of the proposed
13 statute or amendment to the Constitution and is certified to have
14 been signed by electors equal in number to 5 percent in the case
15 of a statute, and 8 percent in the case of an amendment to the
16 Constitution, of the votes for all candidates for Governor at the
17 last gubernatorial election.

18 (c) The Secretary of State shall then submit the measure at the
19 next general election held at least 176 days after it qualifies or at
20 any special statewide election held prior to that general election.
21 The Governor may call a special statewide election for the measure.

22 (d) An initiative measure embracing more than one subject may
23 not be submitted to the electors or have any effect.

24 (e) An initiative measure may not include or exclude any
25 political subdivision of the State from the application or effect of
26 its provisions based upon approval or disapproval of the initiative

1 measure, or based upon the casting of a specified percentage of
2 votes in favor of the measure, by the electors of that political
3 subdivision.

4 (f) An initiative measure may not contain alternative or
5 cumulative provisions wherein one or more of those provisions
6 would become law depending upon the casting of a specified
7 percentage of votes for or against the measure.

8 Second—That Section 8.5 is added to Article II thereof, to read:

9 SEC. 8.5. (a) (1) The Secretary of State shall transmit a copy
10 of each initiative measure certified for the ballot to each house of
11 the Legislature not later than 176 days prior to the date of the
12 election at which the measure is to be voted upon.

13 (2) Not later than 30 days after both houses of the Legislature
14 receive a copy of a certified initiative measure pursuant to
15 paragraph (1), the Legislature may propose one amended form of
16 the measure by a concurrent resolution adopted by each house, a
17 majority of the membership concurring.

18 (3) An amended form of a certified initiative measure proposed
19 by the Legislature shall address only the subject matter addressed
20 by the certified initiative measure.

21 (b) Immediately upon adoption of the concurrent resolution
22 proposing an amended form of the certified initiative measure, the
23 Legislature shall deliver it to both the proponent of the measure
24 and the Secretary of State. If the proponent, or a majority of the
25 proponents if there is more than one proponent, accepts the
26 amended form proposed in the concurrent resolution not later than
27 131 days prior to the date of the election at which the certified
28 initiative measure is to be voted upon, the amended form shall be
29 placed on the ballot in place of the proposal set forth in the certified
30 initiative measure. If the proposed amended form is not accepted
31 by that date, that substitution shall not occur, ~~but information~~
32 ~~regarding the proposed amended form shall be included in the~~
33 ~~ballot materials relating to the initiative measure, as may be~~
34 ~~prescribed by statute and the certified initiative measure shall be~~
35 ~~placed on the ballot.~~

36 (c) For purposes of this section, “proponent” means a person
37 or entity that presented the Secretary of State with a petition for

- 1 an initiative measure that has been certified pursuant to subdivision
- 2 (b) of Section 8.

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